

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

For Official Use

IN THE MATTER OF

☐ Amended

**Order on Petition for
Involuntary Administration
of Psychotropic Medication**

☐ and Order for
Protective Services

Case No. _____

Date of Birth

A Petition for Involuntary Administration of Psychotropic Medication was filed and a hearing held. The court considered the comprehensive evaluation, if required, the physician's written statement, testimony and other evidence presented and the guardian ad litem's report and recommendation.

THE COURT FINDS:

1. JURISDICTION, VENUE, NOTICE AND EVALUATIONS TO COURT

- A. This court ☐ does ☐ does not have subject matter and personal jurisdiction.
B. This court ☐ is ☐ is not a proper venue.
C. Notice ☐ was ☐ was not properly served.
D. The individual is ☐ present. ☐ not present and the court accepts the waiver of presence by the guardian ad litem.
E. The guardian ad litem ☐ did ☐ did not report the allegations in the petition are true and involuntary administration of psychotropic medication is in the best interests of the individual pursuant to §55.14(5), Wis. Stats.
F. Additional evaluations are not necessary.

☐ **2. FOR PROTECTIVE SERVICES [when no order for protective services is in place]**

- ☐ A. The individual **does not meet the standards** for protective services or need protective services.
☐ B. The individual needs protective services and **meets the standards** for protective services because:
• the individual was determined to be incompetent or is a minor alleged to have a developmental disability and a petition for guardianship was submitted, and
• as a result of ☐ a developmental disability,
☐ degenerative brain disorder,
☐ serious and persistent mental illness,
☐ other like incapacities,
the individual will incur a substantial risk of physical harm or deterioration or will present a substantial risk of physical harm to others if protective services are not provided.

3. FOR INVOLUNTARY ADMINISTRATION OF PSYCHOTROPIC MEDICATION

By clear and convincing evidence the allegations in the petition are true:

- A. A physician has prescribed psychotropic medication for the individual.
B. The individual is not competent to refuse psychotropic medication as such condition is defined by §55.14(1)(b), Wis. Stat.
C. One of the following is true and supported by the evidence:
☐ 1. The individual has refused to take psychotropic medication voluntarily.
☐ 2. Attempting to administer psychotropic medication to the individual voluntarily is not feasible or is not in the best interests of the individual.
D. The individual's condition for which psychotropic medication was prescribed is likely to be improved by administration of psychotropic medication and the individual is likely to respond positively to psychotropic medication.

- E. Unless psychotropic medication is administered involuntarily, the individual will incur a substantial probability of physical harm, impairment, injury, or debilitation or will present a substantial probability of physical harm to others. The substantial probability of physical harm, impairment, injury, or debilitation is evidenced by one of the following:
- ☐ 1. The individual's history of at least 2 (two) episodes, one of which has occurred within the previous 24 months, that indicate a pattern of overt activity, attempts, threats to act, or omissions that resulted from the individual's failure to participate in treatment, including psychotropic medication, and that resulted in a finding of probable cause for commitment under §51.20(7), Wis. Stats., a settlement agreement approved by a court under §51.20(8)(bg), Wis. Stats., or commitment ordered under §51.20(13), Wis. Stats.
 - ☐ 2. Evidence that the individual meets one of the dangerousness criteria set forth in §51.20(1)(a)2.a. through e, Wis. Stats.
- F. Psychotropic medication is necessary for treating the condition described in the written statement of the physician.
- G. All other requirements for ordering protective services were met.

☐ 4. **PETITIONER'S ATTORNEY FEES AND COSTS.**

It is ☐ equitable ☐ inequitable to award payment of petitioner's reasonable fees and costs from the individual's income and assets.

- ☐ 5. The individual meets the definition of "mental defective" pursuant to 18 USC 922(g)(4) or is committed to a mental institution.

THE COURT ORDERS:

The petition is

1. ☐ **DENIED.** The petitioner shall pay the compensation of the guardian ad litem and the individual's legal counsel.
2. ☐ **GRANTED** as follows:
 - A. **FOR PROTECTIVE SERVICES**

The county department or agency with which it contracts under §55.02(2), Wis. Stats., or its designee shall provide protective services to the individual in the least restrictive environment and in the least restrictive manner consistent with the needs of the individual and with the resources of the county department, including the limits of available state and federal funds, and county funds required to be appropriated to match state funds.
 - B. **FOR INVOLUNTARY ADMINISTRATION OF PSYCHOTROPIC MEDICATIONS**
 - ☐ 1. The individual's guardian is authorized to consent to involuntary administration of psychotropic medication to the individual.
 - ☐ 2. Involuntary administration of psychotropic medication to the individual, with the guardian's consent, as a protective service.
 - C. The ☐ nursing home or hospital or ☐ the county department or agency with which it contracts under §55.02(2), Wis. Stats., or its designee shall develop a treatment plan for the individual specifying the protective services, including psychotropic medication as ordered by the treating physician, that the individual should receive.
 - D. The individual must comply with the treatment plan pursuant to §55.14(8)(b) and (9), Wis. Stats.
 - E. **FEES AND COSTS**
 - ☐ 1. Reasonable compensation of the guardian ad litem and individual's attorney shall be paid from the individual's income or assets, if sufficient. If the individual's income or assets are insufficient, the guardian ad litem shall be paid by the county of venue and the individual's attorney shall be paid at public expense or by the county of venue.
 - ☐ 2. Petitioner's reasonable attorney fees and costs shall be paid
 - ☐ by the petitioner.
 - ☐ from the individual's income or assets.

☐ 3. **FIREARMS RESTRICTION**

The individual is prohibited from possessing any firearm. Federal law provides penalties for, and you may be prohibited from possessing, transporting, shipping, receiving, or purchasing a firearm, including, but not limited to, a rifle, shotgun, pistol, revolver, or ammunition, pursuant to 18 U.S.C. 921(a)(3) and (4) and 922(g)(4). This prohibition shall remain in effect until lifted by the court.

- ☐ A. Any firearm owned by subject shall be seized by _____.
Individual's firearms may be found at the following location(s): _____.
Any person residing at the/these locations is required to cooperate with law enforcement attempts to seize firearms. Failure to cooperate may result in contempt sanctions.
- ☐ B. As an alternative to seizure, the following person is designated to store any firearm(s) until the firearm restriction order has been canceled: _____.
- C. Individual is informed of the requirements and penalties under §941.29, Wis. Stat. including imprisonment for up to 10 years, a fine not to exceed \$25,000 or both.
- D. The court clerk shall notify the department of justice of the restriction unless the department was previously informed of a prohibition for this individual.

☐ 4. Other: _____

THIS IS A FINAL ORDER FOR PURPOSES OF APPEAL IF SIGNED BY A CIRCUIT COURT JUDGE.

Name of Attorney	
Address	
Telephone Number	Bar Number

BY THE COURT:

<input type="checkbox"/> Circuit Court Judge	<input type="checkbox"/> Circuit Court Commissioner
_____ Name Printed or Typed	
_____ Date	